

REMARKS

In the Office Action, dated February 25, 2004, the Examiner rejects claims 1, 13 and 33 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,577,634 (hereinafter "TSUKAKOSHI"). Additionally, the Examiner rejects claims 34, 39 and 40 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,665,271 (hereinafter "THOMAS"). Furthermore, Applicants note with appreciation the Examiner's allowance of claim 46, and indication that claims 2-12, 14-32, 35-38 and 41-45 would be allowable if rewritten in independent form.

By way of this amendment, Applicants have amended claims 34 and 40 to substantially incorporate the subject matter of dependent claims 35 and 41, respectively, which the Examiner has indicated as being allowable if rewritten in independent form. Claims 35 and 41 have been canceled without prejudice or disclaimer. Claim 39 has additionally been amended to include subject matter similar to that of claim 35. Claims 3, 16, 27, 36, 37, 42 and 43 have been amended to improve form. Reconsideration of the outstanding rejections of pending claims 1, 13, 33, 34, 39 and 40 is respectfully requested in view of the amendments above and the following remarks.

At the outset, Applicants note that an initialed copy of the form PTO-1449 that accompanied the information disclosure statement filed with the Application on July 31, 2000 was not received with the first Office Action. Applicants respectfully request that an initialed copy of this form PTO-1449 be returned to Applicants along with any subsequent communication.

Furthermore, the Office Action has included a "statement of reasons for allowance" that asserts that "none of the references of record alone or in combination" disclose various features that correspond to features recited in dependent claims 37 and 43. Applicants point out,

however, that the other claims indicated as allowable by the Examiner, including claims 2-12, 14-32, 35-36, 38, 41, 42 and 44-46, do not recite the features noted in the “statement of reasons for allowance.” Applicants submit, though, that these claims do recite features that are not disclosed or suggested by the references of record.

On page 2, the Office Action rejects pending claims 1, 13 and 33 under 35 U.S.C. §102(e) as allegedly being anticipated by TSUKAKOSHI. Applicants respectfully traverse.

Independent claim 1 recites a “method for predictive routing of packets by a node in a network having a plurality of nodes” that comprises “receiving messages from advertising nodes in the network, at least one of the messages containing a prediction regarding a future event that may happen to an entity associated with a corresponding advertising node; extracting the prediction from the received message; determining an active state of the entity based on the prediction; generating a routing table using the active state of the entity; and routing packets through the network using the routing table.”

A proper rejection under 35 U.S.C. §102(e) requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicant respectfully submits that TSUKAKOSHI does not disclose each and every feature recited in claim 1. For example, TSUKAKOSHI does not disclose or suggest, among other features, “receiving messages from advertising nodes in the network, at least one of the messages containing a prediction regarding a future event that may happen to an entity associated with a corresponding advertising node.” The Examiner relies on column 7, line 5 through column 10, line 65, and appears to rely on the flow diagrams of FIGS. 14 and 17, for allegedly disclosing the features of claim 1. In particular, the Examiner points to step 201 of FIG. 14 and step 241 of FIG. 17, and appears to allege that the “updated information” of TSUKAKOSHI discloses the “prediction regarding a future event

that may happen to an entity associated with a corresponding advertising node.” Applicants respectfully submit that these sections of TSUKAKOSHI do not disclose or suggest the combination of features recited in claim 1.

As disclosed in column 8, lines 51-57, step 201 of FIG. 14 involves a “routing protocol means 15” checking if it has received network information from an external router. Upon receiving the network information, the routing protocol means 15 checks if the received information matches the previously stored network information (column 8, lines 54-58). If the received information does not match the previously stored network information, then the stored network information is updated with the received information (column 8, lines 58-61). The updated network information is then transmitted to other routers via a notification message (column 8, lines 61-64; see also column 3, lines 32-41). The update information notification message is then received at another router which then updates its own stored network information with the received update information (column 9, lines 43-50; steps 241 and 242 of FIG. 17).

TSUKAKOSHI, thus, discloses the transmission of updated network information between different routers in a network, where the “updated network information” relates to an event that has just happened. TSUKAKOSHI does not disclose receiving any type of message that contains a prediction regarding a future event that may happen. TSUKAKOSHI, therefore, does not disclose, or even suggest, “at least one of the messages containing a prediction regarding a future event that may happen to an entity associated with a corresponding advertising node,” as recited in claim 1. Applicants, therefore, respectfully submit that TSUKAKOSHI does not disclose each and every feature recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(e) is respectfully requested.

Claim 13 recites, among other features, “the messages containing predictions regarding future events that may happen to entities associated with corresponding ones of the nodes.”

Claim 33 also recites, among other features, “extracting predictions from messages received from routers in the network, the predictions identifying future events that may happen to entities associated with corresponding ones of the routers.” As discussed above with respect to claim 1, TSUKAKOSHI does not disclose any type of message that contains a prediction regarding a future event. Applicants, therefore, respectfully request the withdrawal of the rejection of claims 13 and 33 for similar reasons to those set forth above with respect to claim 1.

On page 2, the Office Action further rejects pending claims 34, 39 and 40 under 35 U.S.C. §102(e) as allegedly being anticipated by THOMAS. Claims 34 and 40 have been amended to substantially incorporate the subject matter of dependent claims 35 and 41, respectively, which the Examiner indicated as being allowable. Claim 39 has additionally been amended to include subject matter similar to that of claim 35. Applicants, therefore, request withdrawal of the rejection of claims 34, 39 and 40 under 35 U.S.C. §102(e) based on THOMAS.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response other than as reflected on the Amendment Transmittal Letter. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-298 from which the undersigned is authorized to draw.

Dated: June 23, 2004

Respectfully submitted,

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